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GERSTMAN SCHWARTZ & WINK LLP

ATTORNEYS AT LAW

May 21, 2013

May 23, 2013

Via U.S. Mail

Hon. Paul A. Crotty
United States District Court
500 Pearl St.
Chambers 735-Courtroom 20-C
New York, NY 10007

The pre-motion conference is waived. Counsel's attention is called to Local Rule 1.4 for the procedure to be followed for requests to withdraw. The motion paper must be served on the client.

Re: Lee v. Stacy Makhnevich et al., Case No. 11 cv. 8665 (PAC)
Request for Pre-Motion Conference

S. Ordover
Paul/Kelly
DSH

Dear Judge Crotty,

Pursuant to Your Honor's individual rules, counsel for the defendants requests a pre-motion conference regarding the desire to file a motion to withdraw from counsel of record. Counsel has not made a previous application for similar relief.

It is with regret that undersigned counsel is forced to make this request to the Court however; the attorney-client relationship between defendants and attorney has deteriorated to the point where further representation would be inappropriate. Request for withdrawal is primarily based on defendant's unavailability and unwillingness to aid in her defense and conform to certain deadlines imposed by the court. Numerous attempts have been made to contact defendant in order to be able to fully and adequately represent her and provide a defense in this action. All attempts to contact defendants have failed and since the inception of the instant case, defendants have moved outside of this jurisdiction making it impossible to locate. The conduct of the defendants has made effective representation impossible. Notice was given via telephone call with Paul Alan Levy, counsel to plaintiffs, regarding the intent to possibly withdraw from representation.

Based on the foregoing reasons briefly outlined above, counsel requests a pre-motion conference in order to file a motion to withdraw as counsel. Defendants will not be prejudiced by withdrawal, nor will its withdrawal cause delay in the administration of this case.

Sincerely,



DAVID M. SCHWARTZ (DS9776)
For the firm

Cc: Paul Alan Levy, Esq.
Bruce P. Keller, Esq.

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MEMO ENDORSED